



General Assembly

January Session, 2003

Raised Bill No. 6489

LCO No. 3524

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING JUDICIAL REMEDIES FOR CHILD SUPPORT ENFORCEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-1g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The Commissioner of Public Safety may appoint [not more than
4 two] persons nominated by the Commissioner of Social Services as
5 special policemen in the Bureau of Child Support Enforcement of the
6 Department of Social Services for the service of any warrant or capias
7 mittimus issued by the courts on child support matters. Such
8 appointees, having been sworn, shall serve at the pleasure of the
9 Commissioner of Public Safety and, during such tenure, shall have all
10 the powers conferred [on] the state policemen. [and state marshals.]

11 Sec. 2. Subsection (m) of section 46b-231 of the general statutes is
12 amended by adding subdivision (13) as follows (*Effective October 1,*
13 *2003*):

14 (NEW) (13) In IV-D support cases, family support magistrates may

15 issue writs of habeas corpus ad testificandum for persons in the
16 custody of the Commissioner of Correction.

17 Sec. 3. Subdivision (4) of subsection (s) of section 46b-231 of the
18 general statutes is repealed and the following is substituted in lieu
19 thereof (*Effective October 1, 2003*):

20 (4) [In non-TANF IV-D cases, review] Review child support orders
21 (A) in non-TANF IV-D cases at the request of either parent or custodial
22 party subject to a support order, [or,] (B) in TANF cases, review child
23 support orders at the request of the Bureau of Child Support
24 Enforcement, or (C) as required to comply with federal requirements
25 for the Title IV-D child support enforcement program; and initiate an
26 action before a family support magistrate to modify such support
27 order if it is determined upon such review that the order substantially
28 deviates from the child support guidelines established pursuant to
29 section 46b-215a or 46b-215b. The requesting party shall have a right to
30 such review every three years without proving a substantial change in
31 circumstances; more frequent reviews shall be made only if the
32 requesting party demonstrates a substantial change in circumstances.
33 There shall be a rebuttable presumption that any deviation of less than
34 fifteen per cent from the child support guidelines is not substantial and
35 any deviation of fifteen per cent or more from the guidelines is
36 substantial. Modification may be made of such support order without
37 regard to whether the order was issued before, on or after May 9, 1991.
38 In determining whether to modify a child support order based on a
39 substantial deviation from such child support guidelines,
40 consideration shall be given to the division of real and personal
41 property between the parties set forth in any final decree entered
42 pursuant to chapter 815j and the benefits accruing to the child as the
43 result of such division. No order for periodic payment of support may
44 be subject to retroactive modification, except that the family support
45 magistrate may order modification with respect to any period during
46 which there is a pending motion for modification of a support order
47 from the date of service of notice of such pending motion to the

48 opposing party pursuant to section 52-50.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2003</i> |
| Sec. 2 | <i>October 1, 2003</i> |
| Sec. 3 | <i>October 1, 2003</i> |

Statement of Purpose:

To increase the efficiency and effectiveness of the Title IV-D child support enforcement program by: (1) Authorizing additional special policemen to serve capias warrants; (2) amending provisions for review and adjustment of IV-D support orders to ensure consistency with federal requirements; and (3) authorizing family support magistrates to issue writs of habeas corpus.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]